

REMARKS

The Examiner rejected claims 1-4 and 7-11. In particular, claims 1, 2, 4, 7-9, and 11 stand rejected as being anticipated (§102) by U.S. Patent No. 5,529,357 to Hoffman ("Hoffman patent"). Claims 3 and 10 stand rejected as being unpatentable (§103) over the Hoffman patent.

I. §102 Rejections

The Examiner rejected claims 1, 2, 4, 7-9, and 11 as being anticipated by the Hoffman patent. Claims 1 and 8 have been amended to overcome the Examiner's rejection. As amended, independent claims 1 and 8, and their dependent claims, are not anticipated by the Hoffman patent because the Hoffman patent does not disclose a generally rigid forearm brace.

A. As Amended, Claims 1 and 8 Are Not Anticipated By The Hoffman Patent

In order for a reference to anticipate the invention, each claimed element must be disclosed in the reference. As amended, claims 1 and 8 require a generally rigid forearm brace. See, claims 1, 8 ("a generally rigid brace attached to said frame member adjacent said distal end of said frame member, wherein said brace has a forearm engaging surface"). The Hoffman patent does not disclose a generally rigid forearm brace, but rather discloses a flexible set of straps for encircling a user's forearm. See Hoffman patent, col. 6, lines 18-21 ("[t]his forearm securing means **24** is further provided with a pair of flexible straps **26** and **26'**. These straps **26** and **26'** are designed to receive, wrap around and secure a portion of the forearm of the user.").

As such, claims 1 and 8 are not anticipated by the Hoffman patent because it does not disclose a generally rigid forearm brace. Consequently, the Hoffman patent does not anticipate the present invention as claimed in claims 1 and 8.

B. Claims 2, 4, 7, 9 and 11 Are Not Anticipated By the Hoffman Patent

Because claims 2, 4, and 7, which depend from claim 1, incorporate all the limitations of claim 1, the above arguments apply a fortiori to this ground for rejection. Because Claims 9 and 11, which depend from claim 8, incorporate all the limitations of claim 8, the above arguments apply a fortiori to this ground for rejection. Thus, claims 2, 4, 7, 9 and 11 are not anticipated by the Hoffman Patent.

II. Claims 3 and 10 Are Not Made Obvious By the Hoffman Patent

The Examiner rejected claims 3 and 10 as unpatentable over the Hoffman patent. Claim 3, which depends from claim 1, incorporates all the limitations of claim 1. Claim 10, which depends from claim 8, incorporates all the limitations of claim 8. It is respectfully submitted that claims 3 and 10 are not made obvious by the Hoffman patent because the combination claimed in claims 3 and 10 is not suggested by the Hoffman patent. Thus, claims 3 and 10 are patentable over the Hoffman patent.

CONCLUSION

Applicant has pointed out the lack of anticipation of the claims, as amended, by the Hoffman patent and has pointed out that the claims are patentable over the Hoffman patent.

Consequently, claims 1-4 and 7-11 appear to be allowable and a Notice of Allowance is requested.

This response is being filed with a Petition to Revive Under 37 CFR §1.137(b), along with a check in the amount of \$605.00. It is believed that no additional fees are due in connection with this

communication. However, the Office is hereby authorized to charge any deficiency, or credit any overpayment to Deposit Account 04-1420.

Respectfully submitted,

Janie McKittrick

Date: 10 March 00

By Theresa K. Hanks

Theresa K. Hanks, Esq.

Registration No. P-45,501

DORSEY & WHITNEY LLP
Pillsbury Center South
220 South Sixth Street
Minneapolis, Minnesota 55402

Telephone: (612) 340-2810

Attorney for Applicant